IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

ITR No. 1of 1979
Date of decision:3.11.2006

The Commissioner of Income Tax (Central) Amritsar

....Petitioner

versus

M/s. Desh Pal Tilak Raj Partap Bazar, Amritsar

....Respondent

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Dr. N.L.Sharda, advocate, for the revenue.

JUDGMENT:

Following question of law has been referred for the opinion of this Court by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar (for short, 'the Tribunal') arising out of its order dated 27.4.1977 in ITA Nos.506 and 507(ASR)/1975-76, for the assessment year 1962-63:-

> "Whether on the facts and in the circumstances of the case, the Appellate Tribunal was right in law in setting aside the finding of the Appellate Assistant Commissioner as to the addition of Rs.10,000/- as income of the assessee from undisclosed sources and remanding the case to him with directions to record a fresh finding on this item?"

During the course of assessment, the Asessing Officer held that advance of Rs.10,000/- shown to M/s. Jupiter Steel Industries, Batala in the accounts books of the assessee was his undisclosed income. Entry in the account books showing cash credit of Rs.8000/- from M/s. Modern Industries, Batala, was not accepted as genuine. On further appeal, the Tribunal held that the matter should be re-examined and a clear finding should be recorded as to under which provision, addition of Rs.10,000/- was made.

We have heard learned counsel for the revenue.

Having regard to the fact that small amount is involved and the Tribunal had merely remanded the matter and result of remand is not known, we are of the view that it will not be appropriate to go into the merits.

Accordingly, the reference is returned unanswered.

(Adarsh Kumar Goel)
Judge

November 03, 2006
'gs'

(Rajesh Bindal)
Judge